

REMARKS

Claims 1-4, 6-9, 11 and 15-18 are pending in this application. Claims 5, 10, 12, 13 and 14 are canceled.

As an initial matter, Applicant respectfully requests a telephone conference with the Examiner after the Examiner has an opportunity to review the present amendment and argument. To that end, Applicant's counsel will contact the Examiner to schedule a conference.

Rejection Under 35 U.S.C. 112, First Paragraph

The Examiner rejected claim 5 under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses the Examiner's rejection. Support for claim 5 is found in the specification in the paragraph beginning on page 6, line 23 and in the paragraph beginning on page 7, line 13. Nevertheless, Applicant has canceled claim 5 to expedite prosecution.

Objection to Figure 4

The Examiner objected to Figure 4 under 35 U.S.C. 132(a) as introducing new matter. Applicant respectfully traverses the Examiner's objection. Figure 4 illustrates a wind power installation 100 having a pylon 10 having a head 102. A vehicle 104 has a winch 106 mounted to it. Figure 4 illustrates the vehicle 104 in two positions to illustrate two example configurations where the winch 106 may be employed to move items. In a first position A, the vehicle 104 is positioned so the winch 106 is inside the pylon 10 and coupled to a counterweight 108. A cable 110 is coupled to the winch and may be used as described above to lift and lower items. In a second position B, the vehicle 104 is positioned so that the winch 106 is outside the pylon 10. A cable 112 is coupled to the winch 106, passes through a first cable passage means 114, a second cable passage means 116, which is located above the head 102 of the pylon 10, and a third cable passage means 118. The cable 112 may be used to raise and lower an object inside the pylon 10, such as the component of the wind power installation 120. The Examiner appears to contend that the alternative positions of the vehicle are not supported by the specification as filed.

Both the original and the substitute specification (filed with the original application) provide support for the illustrated transport vehicle and its alternative positioning as follows:

It is accordingly completely sufficient for the winch to be transported to the wind power installation, for its hauling cable to be pulled up into the pod with the winch present in the wind power installation

Substitute Spec. at page 3, lines 11-13. See also Original Spec. at page 3, lines 3-6.

A further alternative can also provide that the winch 18 is itself not disposed outside the pylon 10 but within the pylon 10 in the region of the base thereof.

Substitute Specification at page 6, lines 23-25. See also Original Spec. at page 6, lines 6-8.

If a winch which is disposed at the base of the wind power installation is used, that also does not necessarily have to be fixedly connected to the foundation of the wind power installation, but can also be mounted in an open condition to a transport vehicle (omitted from the figures for ease of illustration) and can be connected thereto so that highly flexible use of the winch is possible. It is also possible for the winch to be fixed on a support frame structure so that a sufficiently great counterweight is provided when desired.

Substitute Specification at page 7, lines 13-19. See also Original Spec at page 6, lines 26-33.

See also claim 13 of the preliminary amendment as filed with the Application.

Accordingly, Applicant respectfully submits that a winch disposed outside the pylon on a transport vehicle, and a winch disposed inside the pylon on a transport vehicle, were disclosed in the Application as filed. Thus, Applicant respectfully submits that Figure 4 does not introduce new matter, and requests that the Examiner withdraw the objection to Figure 4. If the Examiner disagrees, Applicant requests a telephone conference so that Applicant can better understand the Examiner's concerns.

Claims 1-4, 6-15, 17 and 18 Are Not Rendered Obvious by Weitkamp and Bervang

The Examiner rejected claims 1-4, 6-15, 17 and 18 under 35 U.S.C. 103(a) as obvious over EP-1101943 A by Weitkamp in view of U.S. Patent No. 7,207,777 issued to Bervang. Applicant respectfully traverses the Examiner's rejections.

As Applicant previously argued, independent claim 1 recites, "[a] wind power installation comprising: a pylon having a head; a winch; at least one deflection roller; and at least one cable passage means in the region of the pylon head for passing therethrough a hauling cable

from the winch, wherein the winch is mounted on a vehicle at the base of the wind power installation.” Independent claim 6 recites, “[a] method of fitting/removing components of a wind power installation comprising: transporting a winch mounted on a transport vehicle to a base of the wind power installation, laying a hauling cable from the winch to at least one deflection roller in a region of a pylon head and further to a component to be fitted/removed, attaching the hauling cable to the component, and releasing and letting down or pulling up and fixing the component.” Independent claim 8 recites, “[a] wind power installation, comprising: a pylon; a base; a pod; and means for moving an object with respect to the pod, wherein the means for moving an object with respect to the pod is at least partially contained within the pod and includes a winch mounted on a transport vehicle.”

Weitkamp discloses a winch 60 which is permanently mounted to a pylon foundation. There is a single structure which comprises the winch, the foundation, the tower, the crane arms and its ends. See Figure 3 of Weitkamp. Bervang discloses a gripping unit on a vehicle with a crane. Thus Weitkamp and Bervang both teach complete lifting systems with all the components connected together in a single structure, and thus both teach away from the claimed subject matter. In contrast, the independent claims recite a system in which the winch and the supporting structure are separate. One would not be motivated to combine Weitkamp and Bervang because there is no need in Weitkamp for the crane of Bervang (and no need in Bervang for the winch of Weitkamp), and because coupling the gripping unit of Bervang to the winch of Weitkamp would be complicated, which is contrary to the simple structure of Weitkamp. Further, moving the winch of Weitkamp to the vehicle of Bervang would not facilitate raising the crane of Bervang, which is not designed to be used with a winch mounted on the vehicle with the gripping unit. Accordingly, Applicant submits that claims 1, 6 and 8 are not rendered obvious by Weitkamp, alone or in combination with Bervang. Applicant further believes that Bervang is not prior art, and reserves the right to swear behind Bervang. Claims 2-4 depend from claim 1, claim 7 depends from claim 6 and claims 9, 11 and 15-18 depend from claim 8, and are thus allowable at least by virtue of their dependencies.

Applicant notes that the Examiner has pointed to admitted prior art as teaching that it is well known to transport a winch to an installation for raising and lower components.

The Examiner then reasons that it would have been obvious to use the gripper of Bervang to raise and lower component into the wind power installation. The Examiner appears to be referring to the following portion of the description of the prior art:

Wind power installations have long been known. The considerable dimensions and weights of modern installations means that on the one hand components frequently have to be transported individually to the building site. There the components are then fitted together. In that respect in the meantime loads of 50 tons and more certainly have to be lifted.

On the other hand loads also have to be lifted to a considerable height of over 100 meters. Admittedly winches are known in wind power installations, but those winches are mostly disposed in the rear part of the pod of the wind power installation.

Substitute Spec. at page 1, lines 8-16. See also Original Spec. at page 1, lines 7-15.

This portion of the specification is not an admission that it was known to use a winch mounted on a transport vehicle to raise and lower components, as the Examiner appears to suggest. Further, as noted above, Bervang discloses a complete lifting system on the vehicle. One would not be motivated to combine the gripper of Bervang with the winch of Weitkamp.

Applicant also notes that in the Final Office Action, the Examiner argues Bervang is “inherently capable” of performing the method claimed. To the extent the Examiner is making an inherency argument, Applicant respectfully requests the Examiner point to evidence that the elements of the claims are inherently present in Bervang. Applicant further notes that showing a reference could have incorporated an element (a showing which has not been made), is not the same thing as showing the reference inherently includes an element.

Claims 8-10 and 16 Are Not Anticipated by Nickelsen

The Examiner rejected claims 8-10 and 16 under 35 U.S.C. 102(b) as anticipated by EP 1101936 by Nickelsen. Applicant respectfully traverses the Examiner’s rejections. As Applicant previously noted, independent claim 8 recites a winch mounted on a transport vehicle. Nickelsen does not teach, suggest or motivate a winch mounted on a transport vehicle as recited. Accordingly, claim 8 and claims 9 and 16 which depend from claim 8, are not anticipated by Nickelsen. The Examiner did not address Applicant’s arguments regarding Nickelsen’s failure to teach a winch mounted on a transport vehicle in the Final Office Action.

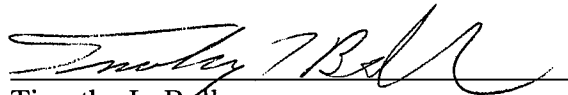
Application No. 10/516,570
Reply to Office Action dated April 16, 2008

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. If the Examiner disagrees or has concerns, Applicant respectfully requests a telephone conference with the Examiner.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in dark ink, appearing to read "Timothy L. Boller", written over a horizontal line.

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